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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/711,940

Filing Date: October 14, 2004

Appellant(s): HENINGER ET AL.

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Scott D. Paul  
Reg. No. 42,984  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 08 December 2008 appealing from the Office action mailed 11 September 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,957,276	BAHL	10-2005
7,047,314	SATO	05-2006

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 7, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahl, U.S. Patent No. 6,957,276, in view of Sato, U.S. Patent No. 7,047,314. Referring to claims 1, 7, 13, Bahl discloses that a client receives a new IP address from a server and compares the IP address to a current IP address to check for an address conflict (Col. 13, lines 56-61), which meets the limitation of a server for distributing addresses for accessing a target network, an originating network, a computer connected to the originating network, the computer identified on the originating network with a first address, the first address having a first network address, the computer requesting a connection to the target network, the server returning a second address having the second network address to the computer in response to the computer's request, the computer comparing the first and second network address to determine whether there is a conflict. If it is determined that the addresses do conflict, a decline packet is transmitted to the server and a new address is requested (Col. 13, lines 61-67), which meets the limitation of upon making a determination of a conflict between the first and second network addresses, the computer reporting that the second network address is in conflict. Bahl does not disclose performing the address conflict resolution in a VPN environment. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the address conflict resolution of Bahl to be performed in a VPN environment that contains a VPN server in order to protect against IP address collision that prevents VPN sessions from being established as taught by Sato (Col. 2, lines 1-28). Bahl discloses that the server selects new IP addresses from a pool of IP address (Col. 12, lines 35-41), which meets the limitation of the server generates a

different network address in response to the computer's report, the server generates the different network address by selecting the different network address from a pool of pre-defined addresses.

#### **(10) Response to Argument**

Appellant argues that Bahl fails to disclose "the originating network and a target network" and "a first address associated with the originating network and a second address associated with the target address." This argument is not persuasive because careful study of the Bahl reference reveals that the address conflict determination procedures are performed with reference to an initially assigned IP address that is appropriate to the network to which the computer is attached (Col. 1, lines 29-31) and a new IP address that corresponds to a new network (Col. 1, lines 31-35). Therefore, it is clear that Bahl discloses an originating network with a first address and target network with a second address as claimed.

Appellant argues that they have "been unable to determine the precise teaching that corresponds to the claimed pool of pre-defined addresses." It is clear that Bahl discloses the DHCP server assigning IP addresses from a pool of addresses (Col. 1, lines 46-49).

Appellant argues, "in response to the Appellant's arguments, the Examiner cited a passage in the second enumerated paragraph which was not previously cited in the First Office Action. Thus, by the Examiner's implicit admission, the Examiner erred in pointing out where Bahl allegedly teachings [sic] the limitations for which Bahl is being cited to teach." In response, the Examiner would like to point out that particular columns and line numbers in the references are provided for the convenience of the appellant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the

individual claim, other passages and figures may apply as well. It is respectfully noted, that the entire text of the cited references are the responsibility of the Appellant.

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., trying to be connected to two computer networks at the same time) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant argues, "by moving, Bahl removes the possibility of network address conflicts from the two networks." This argument is not persuasive because Bahl discloses (Col. 13, lines 58-63) that the client "perform[s] conflict detection...upon getting a new IP address." Therefore, it is clear that the client performs conflict detection using the two IP addresses and requests a "different address" (Col. 13, lines 66-67) when the new IP address conflicts with the existing IP address.

Appellant argues, "the second cited passage...does not teach selected a different network addressed from a pool of pre-defined addresses, as claimed." This argument is not persuasive Bahl discloses that when the client detects an address conflict, the user notifies the DHCP server and requests a new IP address (Col. 13, lines 58-67). Bahl also shows that the DHCP server assigns IP address from a pool of IP addresses (Col. 12, lines 35-41 & Col. 1, lines 46-49). Therefore, it is clear that when the DHCP server assigns the client a new IP address, after the requested for a new IP address is received, that the assigned IP address will come from the pool of IP addresses used by the DHCP server.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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